

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY CRAWFORD,

Plaintiff,

No. CIV S-02-1180 GEB JFM P

vs.

K. TASISTA, et al.,

Defendants.

ORDER

On April 4, 2005, plaintiff filed a motion for appointment of counsel.¹ The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance

¹ That document was not served on defendants. Plaintiff is advised that every document submitted to the court for consideration must be served on defendants. Fed. R. Civ. P. 5. As a prisoner proceeding pro se, plaintiff is required to serve all documents in this action conventionally in accordance with the relevant provisions of Fed. R. Civ. P. 5. See Local Rule 5-135(b). Since an attorney has filed a document with the court on behalf of defendants, documents submitted by plaintiff must be served on that attorney and not on the defendants. Fed. R. Civ. P. 5(b)(1). Conventional service is usually accomplished by mailing a copy of the document to the attorney's address of record. See Fed. R. Civ. P. 5(b)(2)(B). Plaintiff must include with every document filed in this action a certificate stating the date an accurate copy of the document was mailed to defendants' attorney and the address to which it was mailed. See Local Rule 5-135(b) and (c).

1 of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir.
2 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the
3 court does not find the required exceptional circumstances. Plaintiff's request for the
4 appointment of counsel will therefore be denied.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's April 5, 2005 motion for
6 the appointment of counsel is denied.

7 DATED: May 4, 2005.

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10 UNITED STATES MAGISTRATE JUDGE

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